THE HON'BLE SRI JUSTICE N.V. RAMANA

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WRIT PETITION NO.19058 OF 2003

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Dated: 23.08.2005

Between:

1 Rachapalle Ramaiah, S/o. Lakshmaiah,
M.P.T.C., Chinthaparty-1, Vayalpad,
Chittoor District and another.

..... PETITIONERS

AND

1 The District Collector,
Chittoor, Chittoor District and 6 others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

-

WRIT PETITION NO.19058 OF 2003

ORDER:

This writ petition is filed seeking to direct the 6th respondent-Gram Panchayat to include the petitioners in all its Functional Committees and to direct the respondent Nos.1 and 2 to take action against respondent Nos.3 to 7 for misappropriation of Gram Panchayat funds in Janmabhoomi Programmes.

The main grievance of the petitioners, who are the MPTC members of 6th respondent-Gram Panchayat, is that though there are certain guidelines issued in

G.O.Ms.No.174, Panchayat Raj and Rural Development (Pts.IV) Department, dated 04.06.2003, they are not allowed to participate in the functional committee meetings being conducted by the 6th respondent-Gram Panchayat and that there is misappropriation of Gram Panchayat funds in Janmabhoomi Programmes by respondent Nos.3 to 7. Therefore, the petitioners made a representation dated 23.07.2003 to respondent Nos.1 and 2 requesting to allow them to participate in the meetings being conducted by the Gram Panchayat and to take action against the persons responsible for misuse of public funds in execution of Gram Panchayat works, but no action has been taken so far. Hence, the present writ petition.

Though the writ petition was admitted on 21.01.2004, no counter affidavit is filed by respondent Nos.1 to 5 so far.

A counter affidavit is filed by the 6th respondent-Gram Panchayat denying the allegations of the petitioners and stating that pursuant to the proceedings dated 13.06.2003 of the District Panchayat Officer the
petitioners were included in the functional committees for natural resources and human resources respectively on 18.06.2003. It is further stated that there is no misappropriation of funds as alleged by the petitioners, and if any such misappropriation is alleged, the District Collector is the proper authority to look into the matter, and the representation of the petitioners is pending consideration before him.

Heard the learned counsel for the petitioners, learned Government Pleader for Panchayat Raj and Rural Development appearing for respondent Nos.1 to 5, and learned counsel for respondent Nos.6 and 7.

The petitioners allege that they are not allowed to participate in the meetings being conducted by the 6th respondent-Gram Panchayat and that there is misappropriation of Gram Panchayat funds in Janmabhoomi Programmes by respondent Nos.3 to 7. Insofar as first allegation is concerned, in view of the submissions made in the counter affidavit that pursuant to the proceedings dated 13.06.2003 of the District Panchayat Officer, the 6th respondent-Gram Panchayat constituted five functional committees as contemplated under G.O.Ms.No.174, dated 04.06.2003, and the petitioners were included in the functional committees for natural resources and human resources respectively on 18.06.2003, no orders need be passed in this

regard.

Insofar as second allegation of the petitioners with regard to misappropriation of Gram Panchayat funds by respondent Nos.3 to 7 is concerned, since the representation of the petitioners dated 23.07.2003 is pending consideration before the 1st respondent-District Collector, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition directing the 1st respondent-District Collector to consider the representation of the petitioners dated 23.07.2003 and pass appropriate orders thereon in accordance with law.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 23.08.2005

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